



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
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FEB 21 2012

Ms. Linda A. Mosch, P.E.
Project Director
Northern Branch Corridor EIS
NJ Transit Capital Planning & Programs
One Penn Plaza East
Newark, NJ 07105

Dear Ms. Mosch:

The Environmental Protection Agency (EPA) has reviewed the Federal Transit Administration's (FTA) Draft Environmental Impact Statement (DEIS) for the Northern Branch Corridor Project (CEQ#20110429). EPA notes that New Jersey Transit is the state lead agency. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The Northern Branch Corridor Project calls for rail transit improvements in northeastern Hudson and southeastern Bergen Counties in New Jersey by constructing and operating a light rail commuter service on an existing railroad right-of-way owned by the New York, Susquehanna & Western Railway in North Bergen and the CSX Transportation between North Bergen and Tenaflly. Three alternatives, including a no action alternative, are considered. FRA's preferred alternative extends from the existing Hudson-Bergen Light Rail Station in North Bergen, Hudson County, to the boundary of Tenaflly and Cresskill, in Bergen County and includes nine passenger stations. Based on our review, EPA offers the following comments.

Air Quality:

The project will require an entry in the North Jersey Transportation Planning Authority's Transportation Improvement Program and must be accounted for in the regional transportation conformity process.

Wetlands:

While it is likely that the Richard P. Kane mitigation bank in the Hackensack Meadowlands will be appropriate for use as wetlands mitigation for this project, the final EIS should include a more detailed wetlands mitigation plan.

Water Quality:

The project will require the replacement or widening of several culverts. EPA requests that FTA and New Jersey Transit utilize environmental designs that will maximize stream continuity and habitat connections. The American Association of State Highway and Transportation Officials Center for Environmental Excellence maintains a website on the construction and maintenance of culverts and fish passages at

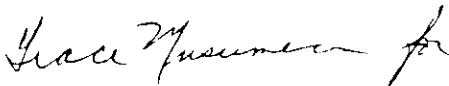
http://environment.transportation.org/environmental_issues/construct_maint_prac/compendium/manual/3_5.aspx.

Finally, while EPA understands that NJ Transit will construct two viaducts to carry the light rail over the Hudson Bergen Light Rail loop, the working freight rail lines and the North Bergen Yard, EPA found that Section 3.2.2 and Diagram 1 in Appendix B did not clearly show how the proposed light rail would be grade separated at all times from the CSX and New York Susquehanna & Western main lines.

Based upon the review of the DEIS, EPA has rated the preferred alternative as "Lack of Objections" (LO) (See enclosed rating sheet.) EPA would also like to use this opportunity to encourage NJ Transit to implement green practices and techniques during design and construction of the Northern Branch Corridor Project. Additionally, EPA's Clean Construction USA website at <http://www.epa.gov/cleandiesel/construction/index.htm> provides more information about diesel emission reductions.

Thank you for the opportunity to comment on this draft EIS. If you have any questions regarding our comments, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy-Ann Mitchell", followed by a small flourish.

Judy-Ann Mitchell, Chief
Strategic Planning & Multi-Media Programs Branch

Enclosure

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."